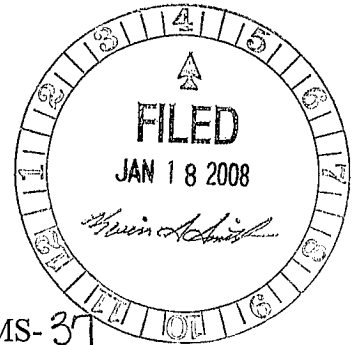


**In the  
Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR KNOX COUNTY )

Case No. 42S00-0801 -MS-37

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Knox Circuit and Superior Courts request the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 2.2. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Knox Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR42-TR-79-1.0 and LR42-CR2.2-2.0, comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 2.2, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Knox County Local Rules, LR42-TR-79-1.0 and LR42-CR2.2-2.0, set forth as an attachment to this Order, are approved effective immediately, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Sherry Biddinger Gregg, 111 North Seventh Street, Vincennes, IN 47591-2022W; the Hon. Timothy Crowley, 111 North Seventh Street, 2nd Floor, Vincennes, IN 47591; the Hon. Jim R. Osborne, 620 Busseron Street, Vincennes, IN 47591-2032; and to the Clerk of the Knox Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Knox Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 18<sup>th</sup> day of January, 2008.

RT Shepard

Randall T. Shepard  
Chief Justice of Indiana

**LR42-TR79-1.0**

**SPECIAL JUDGES (Civil Matters)**

**A. KNOX CIRCUIT COURT:** This provision is adopted by the Court due to the large number of recusals that will be necessitated by the filing of an appearance by John R. Gregg, attorney at law, the former spouse of the regular Judge of this Court.

1. In all cases under ES and EU cause numbers, the Honorable Dean Sobecki of the Daviess Superior Court shall automatically qualify and serve as Special Judge therein.
2. In the event the Special Judge serving under paragraph 1 above disqualifies for any reason, the successor Judge shall be chosen pursuant to the provisions of paragraph B & C below as in all other cases.

**B. SELECTION OF SPECIAL JUDGE BY AGREEMENT OF THE PARTIES:**

Pursuant to the provision of Indiana Trial Rule 79(D), the parties may agree on an eligible Special Judge within seven (7) days of the Order granting a change of Judge, and file a written agreement indicating their selection with the appropriate Court.

**C. SELECTION OF SPECIAL JUDGE BY CLERK:** Pursuant to the provisions of Indiana Trial Rule 79(H), in the event an agreement pursuant to paragraph C above is not filed with the appropriate Court within seven (7) days, then a Judge from one of the following lists, who have agreed to serve as Special Judge, shall be appointed:

**Knox Circuit Court:**

Judge of the Knox Superior Court 1  
Judge of the Knox Superior Court II  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Martin Circuit Court

**Knox Superior Court 1:**

Judge of the Knox Circuit Court  
Judge of the Knox Superior Court II  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Martin Circuit Court

**Knox Superior Court II:**

Judge of the Knox Circuit Court  
Judge of the Knox Superior Court 1  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Martin Circuit Court

The Clerk shall select a Judge to be assigned by drawing a name from the above-listed Judges, according to the appropriate list, and from time to time thereafter from the remaining Judges until all listed Judges have been assigned an equal number of cases.

- E. CHANGE OF JUDGE:** In all cases, the appointment and qualification of a Special Judge as specified in this rule shall not affect the rights of the parties under Indiana Trial Rule 79 to petition for change of Judge.

**LR42-CR2.2-2.0**

**ASSIGNMENT OF CRIMINAL CASES; SPECIAL JUDGES (Criminal Matters)**

This rule is adopted pursuant to Indiana Criminal Rules 2.2, 12 and 13 for the assignment of cases and selection of a Special Judge in criminal matters.

**A. MURDER CASES:**

Murder cases shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis.

**B. CLASS A, B, AND C FELONY CASES:**

All class A, B, and C felonies shall be assigned to the Knox Circuit Court and Knox Superior Court 1 on an equal basis. In the event a case charges both a Class A, B, and C felony and also a Class D felony or misdemeanor offense, the case shall be considered a Class A, B, or C felony for assignment to Knox Circuit Court or Knox Superior Court 1.

**C. NEGLECT AND NON-SUPPORT CASES:**

Cases involving neglect of a dependent or child selling filed under I.C. 35-46-4 shall be filed in the Knox Superior Court 1. Felony non-support cases filed under I.C. 35-46-1-5 or I.C. 35-46-1-6 shall be assigned to the Court that issued the original support Order.

**D. JUVENILE OFFENDERS WAIVED TO ADULT STATUS:**

The Knox Superior Court 1 shall be assigned the cases of juvenile offenders waived to adult status following a waiver of juvenile jurisdiction pursuant to I.C. 31-30-3.

**E. METHAMPHETAMINE POSSESSION AND PRECURSORS CASES:**

All methamphetamine possession cases filed under I.C. 35-48-4-7 and all methamphetamine precursors cases filed under I.C. 35-48-4-14.5 shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis.

**F. INVASION OF PRIVACY:**

A misdemeanor charge of invasion of privacy pursuant to I.C. 35-46-1-15.1 shall be assigned to the Court that issued the original protective order, workplace violence restraining order or no contact order.

**G. CLASS D FELONY, MISDEMEANOR AND INFRACTION CASES:**

Other than those cases assigned to the Knox Circuit Court or the Knox Superior Court 1 pursuant to the provisions of paragraphs C, D, E, and F above, all D felony cases, all misdemeanor cases and all infraction cases shall be assigned to the Knox Superior Court II.

**H. SUBSEQUENT FELONY CHARGES:**

In the interests of judicial economy, if a person has a felony charge pending in the Knox Circuit Court or the Knox Superior Court 1, all subsequent felony charges filed against that same person shall be filed in the Court where the original felony charge is pending. This provision shall take precedence over the other provisions of this rule set forth above.

**I. SEPARATE FELONY CHARGES IN DIFFERENT COURTS:**

If a person has separate felony charges pending in more than one Court in Knox County, the State, at its option, may dismiss the more recent felony charge or charges and re-file said charges in the Knox County Court having the oldest pending felony charge against the person. In the event the State dismisses and re-files charges against a person, the State shall provide a copy of the Chronological Case Summary (CCS) to the Court where the charges are to be re-filed so that said Court will be advised of any potential tacking problem.

**J. ASSIGNMENT OF SPECIAL JUDGES:**

In the event of the recusal of a Judge, a change of Judge, or when it becomes necessary to assign another Judge in any criminal case, the case shall be assigned to one of the following Judges who have agreed to serve as a Special Judge in that Court:

**Knox Circuit Court:**

Judge of the Knox Superior Court 1  
Judge of the Knox Superior Court II  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court

**Knox Superior Court 1:**

Judge of the Knox Circuit Court  
Judge of the Knox Superior Court II  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court

**Knox Superior Court II:**

Judge of the Knox Circuit Court  
Judge of the Knox Superior Court 1  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Greene Superior Court

The Clerk is to select a Judge to be assigned by drawing a name from the above-listed Judges, for the appropriate Court, and from time to time thereafter from the remaining Judges until all the listed Judges have been assigned an equal number of cases.